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OF RACIAL DISCRIMINATION
Thirty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Tenth periodic reports of States parties due in 1991

Addendum

SWEDEN */

[21 December 1990]

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*/ For the eighth and ninth periodic reports submitted by the Government of Sweden and the summary records of meetings of the Committee at which those reports were considered, see the following documents:

Eighth periodic report - CERD/C/158/Add.7 (CERD/C/SR.850-SR.851);
Ninth periodic report - CERD/C/184/Add.1 (CERD/C/SR.850-SR.851).

PART I

GENERAL COMMENTS

1. As mentioned in the eighth periodic report (CERD/C/158/Add.7), the population of Sweden was very homogenous until World War I. There had been immigration, but the immigrants were gradually assimilated with the Swedish majority.

2. After World War II, the number of residents in Sweden born abroad increased greatly, and for 1989 this figure was 758,454 out of a total population of 8,527,036.

3. Immigrants in the 1960s and up to the mid-1970s came to Sweden to work, either from other Nordic countries or from non-Nordic countries. In the latter half of the 1970s, the character of immigration changed. The immigration of workers from countries outside the Nordic area gave way to immigration of the relatives of earlier immigrants and, after 1980, there has also been an increase in the number of applicants for asylum from countries outside Europe. The number of residence permits granted to applicants for asylum was nearly 25,000 in 1989. Most of the other immigrants were relatives of earlier immigrants - 18,000 persons in 1989. In 1989 immigration by Nordic nationals constituted only 28.3 per cent of total immigration. Thus, the immigrants now coming to Sweden are to a large extent people from distant countries, with cultures and religions which differ from those of other inhabitants of Sweden.

4. The basic approach of the Swedish Government with regard to efforts to eliminate racial discrimination is to tackle this problem as part of the general immigration policy.

5. In the eighth report, a detailed description was provided of the measures taken by the Swedish Government with respect to the Convention. It was pointed out that a major source of legal protection against ethnic discrimination is the Swedish Constitution (see below under Article 2). It was also stated that Swedish penal legislation contains provisions which prohibit ethnic discrimination and that rules protecting the individual against ethnic discrimination are to be found in Swedish labour legislation (see below under Article 2 (d)).

6. The eighth report further mentioned the Act against Ethnic Discrimination, the Ombudsman against Ethnic Discrimination, the Advisory Committee on Questions concerning Ethnic Discrimination and the Special Commission against Racism and Xenophobia, appointed in 1987 by the Swedish Government. The tasks of the Commission were to investigate what additional measures could be taken to combat racism and hostility to foreigners. The Commission completed its work in March 1989 and in its final report proposed, inter alia, that a direct ban on racist organizations should be introduced in Swedish legislation and that the idea of a law against ethnic discrimination in working life should be reconsidered.

7. On the basis of this report, the Government submitted a bill to Parliament in February 1990 which presented the Government's assessment of the existence of discrimination on ethnic grounds and the need for measures designed to further good ethnic relations.

8. In May 1990, the Government set up a Commission to study Measures against Ethnic Discrimination and a special expert was appointed for that purpose. His assignment is described under Article 2.1 (a) - (d) and Article 4 (b). The Commission will present its report by the end of 1992, at the latest.

PART II

INFORMATION IN RELATION TO ARTICLES 1 TO 7

Article 1

9. As stated in the eighth report, "racial discrimination" is not the term normally used in Swedish legislation. The term used instead is "ethnic discrimination" which is more comprehensive and includes racial and other kinds of discrimination.

Article 2

10. An initial account is here presented of Swedish legislation which is designed to abolish racial discrimination in the sense covered by Article 1.

11. As pointed out in the eighth report, a major source of legal protection against ethnic discrimination is the Swedish Constitution.

12. Chapter 1, Section 2 of the Swedish Constitution lays down that the Government shall endeavour to make the principles of democracy the norm in all areas of society and promote opportunities for ethnic, linguistic and religious minorities to preserve and develop their own cultural and community life.

13. Chapter 1, Section 9 of the Constitution requires the courts, administrative authorities and all those who work in public administration to respect the equality of everyone before the law, and act with objectivity and impartiality.

14. Chapter 2, Section 15 of the Constitution, which concerns fundamental liberties and rights, provides that no statute or regulation may cause unfair treatment of a citizen on the grounds of his belonging to a minority, on account of his race, colour or ethnic origin.

15. There are several respects in which alien residents in Sweden have parity of status with Swedish citizens. Chapter 2, Section 20 of the Constitution reads as follows:

> "Any foreigner within the Realm shall be equated with a Swedish citizen with regard to
>
> 1. protection against any compulsion to participate in meetings for the purpose of the formation of opinions or in a demonstration or other expression of opinions, or to belong to a religious community or other associations (Section 2, second sentence),
>
> 2. protection against capital punishment, corporal punishment and torture as well as against medical influence or encroachment for the purpose of extorting or preventing statements (Sections 4 and 5),
>
> 3. the right to trial by a court of any deprivation of liberty on account of a criminal act or a suspicion of such act (Section 9, subsections 1 and 3),

4. protection against retroactive penal sanctions and other rectroactive legal consequences of criminal acts as well as retroactive taxes, charges or fees (Section 10),

5. protection against the institution of a court for a particular case (Section 11, subsection 1),

6. protection against discrimination on account of race, skin colour or ethnic origin, or on account of sex (Sections 15 and 16),

7. the right to take strike or lock-out actions (Section 17),

8. the right to compensation in cases of expropriation or other such dispossessions (Section 18).

Unless otherwise provided by special rules of law, any foreigner within the Realm shall also be equated with a Swedish citizen with regard to

1. freedom of expression, freedom of information, freedom of assembly, freedom of demonstration, freedom of association, and freedom of religion (Section 1),

2. protection against any compulsion to make known his opinions (Section 2, first sentence),

3. protection against bodily encroachment also in cases other than those referred to in Sections 4 and 5, against bodily search, search of his home, or similar encroachment, as well as against encroachments on confidential communications (Section 6),

4. protection against deprivation of liberty (Section 8, first sentence),

5. the right to trial by a court of any deprivation of liberty for reasons other than a criminal act or suspicion of such act (Section 9, subsections 1 and 2),

6. the publicity of court proceedings (Section 11, subsection 2),

7. protection against any encroachment on grounds of opinions (Section 12, subsection 2, third sentence),

8. the rights of authors, artists, and photographers to their work (Section 19).

With respect to such special provisions as are referred to in subsection two of this Section, the provisions of subsection three, the first sentence of subsection four and subsection five of Section 12 shall apply."

16. These provisions may be invoked to override laws and administrative practices which conflict with the principles laid down above. Like other provisions of the Constitution, they have - over and above their purely legal effect - a significant function in helping to form public opinion.

17. A special statute which forms part of the Constitution, the Freedom of the Press Act, exclusively covers liability for all offences relating to printed publications. Under Chapter 7, Section 4, subsection 11, of the Act, agitation against an ethnic group in a printed publication is considered an offence against which legal action can be taken. The responsible editor, nominated in advance by the publication, is legally responsible for such offences. Offences committed in the broadcasting media are covered by a similar system.

18. Apart from the penalties to which the author, the responsible editor, the publisher and the printer are subject, offences against the Freedom of the Press Act may lead to damages and confiscation of the publication in question.

Swedish penal legislation

19. Under Chapter 16, Section 8, of the Penal Code, any person who in a statement or other communication which is disseminated threatens or expresses contempt for an ethnic group or other such group of persons by making allusion to race, colour, national or ethnic origin or religious creed, shall be convicted of agitation against an ethnic group. The penalty for this is imprisonment for not more than two years or, for minor offences, a fine.

20. Another provision of the Penal Code (Chapter 16, Section 9) which makes ethnic discrimination punishable concerns unlawful discrimination. In accordance with the provisions contained in the first paragraph of this Section, a businessman who in the conduct of his business discriminates against a person on the ground of his race, skin colour, national or ethnic origin or religious creed in that he fails to deal with that person under the terms and conditions normally applied by the businessman in the course of his business with other persons shall be convicted of unlawful discrimination and sentenced to a fine or to imprisonment for a maximum period of one year. The following paragraphs state that this also applies to a person employed in such a business or who is otherwise acting on behalf of the businessman and to a person employed in public service or who has a public duty, or to an organizer of a public assembly or gathering and to any assistant of such an organizer if they discriminate in the same manner by refusing access to the public assembly or gathering.

21. Under Chapter 5, Section 3, of the Penal Code, insulting conduct in the form of accusation or insulting epithets or other outrageous conduct is punishable. The penalty is a fine or, if the offence is grave, a fine or imprisonment for not more than six months. In 1983, insulting a person with allusion to ethnic origin was made an offence subject to public prosecution.

22. Protection against racist actions is also provided for in Chapter 16, Section 5, of the Penal Code concerning inciting rebellion.

The Act to Counteract Ethnic Discrimination

23. This Act defines ethnic discrimination as the unfair treatment of a person or group of persons in relation to others, or their subjection in any other way to unjust or insulting treatment because of race, colour, national or ethnic origin or religious creed.

24. Pursuant to this Act, the Government has appointed an Ombudsman against Ethnic Discrimination with the task of counteracting ethnic discrimination in the workplace and in other areas of society, both taken in a broad sense. An Advisory Committee concerning Ethnic Discrimination has been set up to advise the Ombudsman on matters of principle, propose changes in legislation and consider particular cases.

25. An evaluation of the first three years of the operations of the Ombudsman against Ethnic Discrimination has been undertaken. In a report submitted in November 1989, the Ombudsman presented his opinions, requests and proposals for the future. Amongst other things, the Ombudsman stated that he is responsible for working for ethnic justice, and not merely against ethnic discrimination. He also considered that the Act to Counteract Ethnic Discrimination should not refer specifically to working life, as at present, but should address life in society in a broad sense. In this connection, he proposed changes in the law. The committee appointed by the Government in May 1990 has therefore been directed, inter alia, to review the Act to Counteract Ethnic Discrimination.

The Act on Damages

26. Under Chapter 1, Section 3, and Chapter 5, Section 1, of the Act on Damages, a victim of insulting conduct or of unlawful discrimination can, apart from compensation for economic loss, be awarded damages for the mental suffering to which he has been subjected as a result of the offence.

Article 2.1 (a) - (d)

27. The Swedish Government and public authorities do not defend or support persons or organizations which indulge in racial discrimination. One of the bases of Swedish immigration policy is that people who are allowed to settle in Sweden shall have the same rights and obligations and shall be offered the same opportunities as other citizens. The fundamental values of Swedish immigration policy also involve equal rights for citizens, irrespective of their ethnic origins, and a state of tolerance between various groups in the population. Thus, ethnic discrimination in any form is unacceptable and is to be counteracted.

28. As indicated above, the Swedish Constitution contains provisions which guarantee protection against ethnic discrimination in legislation and in the exercise of authority.

29. The obligations of the Ombudsman against Ethnic Discrimination also include supervision of measures taken by the authorities and initiatives in legislative matters with regard to discrimination in various areas.

30. Anyone who wishes to lodge a complaint about the conduct of public authorities or institutions may also turn to the Chancellor of Justice and to the Parliamentary Ombudsman who, in accordance with the Constitution, are commissioned by the Government and by Parliament, respectively, to exercise supervision of persons engaged in public activities to ensure that they comply with laws and statutes and in other respects fulfil their duties.

31. As indicated above, the Penal Code contains provisions for punishment which are directed at discriminatory treatment on ethnic grounds.

32. As regards racist expressions of opinion in participatory local radio transmissions (närradio), it may be mentioned that a group of Ministry of Justice officials are examining the question of extending constitutional protection for freedom of speech. The Commission against Racism and Xenophobia has proposed that this group should consider the question of breaches of the restrictions on freedom of expression in local radio programmes and that the group should also be directed to examine solutions which would permit a more rapid review of the right of transmission in connection with freedom of speech offences on local radio. In addition, the Commission has proposed that the committee which is examining certain participatory local radio questions should be asked to examine the rules for maintaining records on magnetic audio tape in connection with participatory radio transmissions and the possibilities of strengthening the position of the ethical committee for participatory local radio. In its parliamentary bill concerning ethnic discrimination, etc., the Government has indicated that it shares the Commission's views.

33. In a recent case, the responsible programme producer of a participatory local radio station, Radio Islam, was convicted of the above-mentioned crime, agitation against an ethnic group, after having been found guilty of agitation against Jews. As a result of the verdict, the broadcasting permit was suspended for 12 months. An appeal was made, but the verdict was confirmed by the Court of Appeal. An appeal was then lodged with the Supreme Court, but the Supreme Court has not yet taken any decision in the case.

34. Under Swedish labour legislation, all persons are regarded as equal, irrespective of their ethnic background or nationality. Under the Act of Security of Employment, notice given by an employer of termination of an employment contract must always be based on objective facts. This prevents dismissal or the issue of notice of termination on ethnic grounds. This Act also regulates the order in which employees can be given notice if there is insufficient work. No employee may be given notice prior to his fellow employees on the grounds of a given ethnic origin. In the case of employment in the public and local authority sector, there are also certain objectivity requirements as regards the appointment of employees. There are no corresponding provisions for appointment in the private sector where, instead, the employer's right to appoint employees is not regulated. However, Swedish labour law is based on a fundamental principle of good labour market practice. This means that agreements or contracts - including collective agreements between employee and employer organizations - must not be accepted by the courts if they are considered to be discriminatory.

35. The Ombudsman against Ethnic Discrimination does not have the status of a supervisory authority per se. He has no authorization to institute legal proceedings, but he is authorized to summon an employer, on penalty of a fine, to discuss matters so as to ensure that the Ombudsman receives the information required.

36. As already mentioned, the Act to Counteract Ethnic Discrimination is currently under review. The Special Commission against Racism and Xenophobia was informed by immigrants and by immigrant organizations that they feel that there is discrimination against them in the labour market. The experience of the Ombudsman against Ethnic Discrimination points in the same direction. The new Commission to study measures against Ethnic Discrimination has therefore also been directed by the Government to examine the need for a special law

against ethnic discrimination in working life and to present proposals for such a law. The Commission has been instructed to work in close consultation with the parties in the labour market.

Article 2.1 (e)

37. In 1975, Parliament established objectives for various immigrant policy measures which still apply today: equality, choice and co-operation with the majority of the population. Various supportive measures were introduced at the level of organizations to further these immigrant policy objectives. Subsequently, State grants have been available for organizations which promote co-operation between Swedes and immigrants. Since 1986, when the question of immigrant policy was again considered by Parliament, action to counter hostility between different ethnic groups has become a central feature of immigrant policy measures. In a number of different ways, the Government has activated and encouraged Swedish non-governmental organizations, especially those whose efforts are primarily directed at combating hostility to foreigners.

38. Under an ordinance issued in June 1990, the Swedish Immigration Board has also been given greater possibilities of providing official support for specific immigrant projects designed to further good ethnic relationships and to reinforce immigrant organizations. Such projects may involve, for example, refugee children, immigrant women, projects linked to repatriation and support for the social activities of religious immigrant groups.

39. Employer and employee organizations in the Swedish labour market also devote considerable attention to immigrant questions - manifested, for example, in a brochure entitled "Immigrant Issues at Company Level" which describes guidelines prepared by the Swedish Employers Confederation, the Swedish Trade Union Confederation, the Federation of Salaried Employees in Industry and Services and the Swedish Immigration Board. The brochure stresses the principle of equal treatment in the labour market. A copy of this brochure was distributed to members of the Committee when the eighth and ninth periodic reports of Sweden were examined in August 1989.

Article 2.2

40. The immigrant policy objectives agreed by Parliament - equality, choice and co-operation - mean equal rights, obligations and opportunities for immigrants compared with the rest of the population. Immigrant policy is based on respect for the individual's integrity, his opportunities to retain and develop his own cultural heritage within the framework of the fundamental norms which apply in Swedish society, and also mutual tolerance, solidarity and a sense of community between people of different origins. Parliament has also laid down that it is not sufficient to remove formal barriers, but that special measures must be taken to ensure that immigrants can have access to work and education on the same terms that apply for the rest of the population.

41. The Swedish Immigration Board has special responsibility for monitoring immigrant policy. Some of the measures taken in the educational, training and information areas are described below under Article 7.

The Sami (Lapps)

42. Special measures are being considered as regards the Sami population. In view of the Sami's position as an ethnic minority in the areas where they live, a government committee was given the task of: examining the possibilities of strengthening the Sami's legal position in matters which concern the reindeer-breeding industry, discussing the need for a popularly elected Sami body which can represent the Sami people in various contexts, and proposing measures to strengthen the position of the Sami language.

43. The committee concluded its work in November 1990 by submitting a report to the Government on the position of the Sami language. The committee proposed that it should be possible for the Sami people to use their language in contacts with certain public authorities which deal with matters connected with the Sami way of life and with certain municipalities in the main Sami areas.

44. The committee has earlier proposed amongst other things, that the special status of the Sami as an ethnic minority and as an indigenous population in Sweden will be stated in the Constitution.

45. In addition, the committee has proposed that a special law should be passed containing provisions to further Sami culture and society, primarily through the establishment of a representative elected body, a Sami parliament. The aim would be a body which would be able to represent the Sami people vis-à-vis Swedish society and which could safeguard the rights and interests of the Sami people.

46. A basic prerequisite for the survival of reindeer herding is the right of the Sami to use land and water for their sustanance. This right must be respected by other users of land and water. Reindeer herding requires an unspoiled countryside, which, under certain conditions, e.g. at the time of calving, is particularly sensitive to interference. The reindeer-herding region covers as much as one third of Sweden's total area. Therefore, conflicts easily arise between reindeer-herding interests and opposing interests. The passing of the Natural Resources Act (NRA) in 1987 made the protection of the most important regions for reindeer herding a matter of national concern.

47. In line with the committee's proposal, the legal position of reindeer herding would be strengthened by tying the special Sami pasturing rights, the reindeer-herding rights, more clearly and more firmly to land which has traditionally been used for the reindeer-breeding industry. The purpose of the proposal is to save and protect the various grazing areas. Therefore, the rights of the forest owners would be restricted in these areas. According to the proposal, the forest owners would need permission for tree-felling. Before the authorities grant such permission they would consider, among other interests, those of the reindeer herders. These proposals are currently being considered by the central government authorities, but no legislation has been introduced so far.

48. In general, people in the north of Sweden are still suffering from the effects of the nuclear power accident at Chernobyl. Since reindeer herding occupies such a central position in Sami life today it is important to compensate the Sami for such damage. Therefore, action is still continuing to

prevent serious consequences for reindeer herding. The direct economic losses suffered by the Sami have been fully compensated by the Government each year since the accident. Reindeer owners have received SEK 220 million so far.

49. The public funds for the promotion of reindeer herding are distributed after reindeer husbandry representatives have been consulted. This also applies to price support. In the spring of 1990, Parliament decided to modify this support. From now on, the Government and the reindeer owners will be negotiating support on an annual basis. The result of these negotiations can either lead to an increased price support or to a change in the nature of the support.

Article 3

50. There is no racial segregation or apartheid in Sweden.

51. The provisions in the Penal Code for punishment by fines or imprisonment for statements or actions which involve discrimination on ethnic grounds are presented under Article 2.

Measures regarding South Africa

Background

52. In Sweden's view, the policy of apartheid means both a violation of fundamental human rights as laid down in the Charter of the United Nations and in the Universal Declaration of Human Rights, and a grave threat to international peace and security. Sweden's policy against apartheid is thus based on two crucial elements in our foreign policy, on the one hand, an endeavour to promote respect for human rights and, on the other, a conviction that conflicts should be settled by peaceful means.

53. The aim of Sweden's South Africa policy is to contribute to the abolition of apartheid and its replacement by a democratic non-racial society with universal suffrage of all South Africans. As a means of bringing this about, Sweden has been advocating mandatory sanctions by the United Nations Security Council for a long time. In Sweden's view, such sanctions are the most effective means available to the international community of forcing, by peaceful means, the South African Government to adopt the necessary measures that would lead to the total eradication of the apartheid system.

54. Pending a decision on mandatory sanctions against South Africa by the Security Council, Sweden has, both unilaterally and jointly with the other Nordic countries, taken a number of steps in accordance with the joint Nordic Programme of Action against South Africa. This programme, which was adopted in 1978, was revised and extended in October 1985 with a view to further reducing the Nordic countries' economic and other relations with South Africa. The programme was revised again in 1988 as a result of the trade ban against South Africa (and at the time also Namibia) which entered into force on 1 October 1987 in all the Nordic countries.

55. In September 1990, the Nordic Foreign Ministers adopted a declaration on South Africa, taking into account the positive developments there during the course of the year. The Ministers acknowledged the progress made, which gives hope that profound changes are now within reach. However, the Ministers also

noted that fundamental elements of the basic pillars of the apartheid system are still in force. Therefore, Nordic policies towards South Africa will continue to be based on central elements in the Nordic Programme of Action from 1988. The Nordic countries will maintain pressure on the South African Government until there is clear evidence of profound and irreversible change in South Africa.

56. Due to Namibia's independence, all measures against Namibia were lifted as from 1 April 1990.

57. The following unilateral Swedish measures have been adopted against South Africa:

(a) Investment, loans and related matters

58. As far back as 1979, Sweden introduced legislation prohibiting investment in, and loans to, companies in South Africa (and, at the time, Namibia). In April 1985, this legislation was tightened and extended to include a ban on financial leasing and on loans to the South African Government and its authorities.

(b) Transfer of technology

59. In July 1986, all assignment and lease of patents and manufacturing rights to South African (and at the time Namibian) companies were prohibited.

(c) Trade, export promotion and related matters

60. Since 1967, no State credit guarantees have been granted for exports to South Africa. Public funds may not be used for the promotion of trade with South Africa.

61. On 1 October 1987, an act prohibiting all trade with South Africa (and, at the time, Namibia) entered into force.

62. The trade embargo applies to all kinds of goods, with a few exceptions such as publications and news matter and articles intended for humanitarian and medical purposes.

63. Previous legislation prohibiting imports into Sweden of agricultural produce and Krugerrands has now been incorporated into the new legislation on prohibition of trade.

64. As a result of the ban on trade between Sweden and South Africa, trade has virtually ceased between the two countries. In 1989 Swedish imports from South Africa were down to MSEK 0.3, compared to MSEK 413 five years previously (1985). By 1989, Swedish exports had fallen to MSEK 53.6 compared to MSEK 981 in 1985. Exports in 1989 almost exclusively involved medical goods, for which the Government may, for humanitarian reasons, grant an exception from the trade ban.

(d) Oil

65. Sweden is not an oil-producing country and does not export or transport any oil to South Africa. Sweden has been giving financial support to the Shipping Research Bureau at Amsterdam, which is monitoring oil deliveries to South Africa and co-operating with the United Nations Centre against Apartheid.

(e) Transport and communications

66. Jointly with Denmark and Norway, in June 1985, Sweden terminated its air agreement regarding air services with South Africa. As a result, the Scandinavian Airlines System closed down its air service to Johannesburg in September of that year.

67. In October 1985, the Government issued a recommendation to Swedish shipping companies to the effect that they should refrain from sailing to South Africa and, as far as possible, satisfy the shipping needs of South Africa's neighbouring States via ports outside South Africa.

(f) Arms embargo

68. Exports of munitions and related materials to South Africa were prohibited following the United Nations embargo against South Africa, decided upon by the Security Council in November 1977. The legislation was extended in April 1985 to comprise data-processing equipment, related software, and cross-country vehicles and fuel intended for the South African military and police authorities, or for their account.

69. Imports of military equipment from South Africa were prohibited in November 1983.

(g) Contacts in sports, culture and science

70. The 1978 Nordic Programme of Action recommended that contacts with the South African Government in the fields of sports and culture should be brought to an end. In 1985, this recommendation was extended to the field of science as well.

71. In principle, Sweden has ceased all contacts with apartheid South Africa. However, contacts in the scientific field may take place within the framework of international meetings under the auspices of the International Council of Scientific Unions, if the need to further broad international scientific co-operation is important or if the contacts serve a fundamentally humanitarian purpose (especially in the medical field). Cultural contacts exist only to the extent that they promote the anti-apartheid movement. As a result of the new developments in South Africa, since March 1990 Sweden has allowed contacts that promote the dialogue and democratization process in South Africa.

(h) Visas

72. Jointly with the other Nordic countries, in 1982 Sweden introduced regulations requiring compulsory visas for South African nationals. These regulations were tightened up in 1986.

73. With regard to the new situation in South Africa, the joint Nordic visa guidelines were modified at the Foreign Ministers' meeting in March 1990 with the objective of widening the contact possibilities which contribute to furthering the dialogue and the democratization process in South Africa.

(i) International development assistance

74. An important element of Sweden's policy on South Africa is the assistance given to southern Africa. In the 1990/1991 fiscal year, SEK 3.0 billion, or almost half of the total Swedish bilateral assistance, is being appropriated for southern Africa. This consists of development assistance to the front-line States as well as support to the Southern Africa Development Co-ordination Conference (SADCC). It also includes humanitarian assistance to the African National Congress and other organizations that are active in the fight against apartheid.

Article 4

Article 4 (a)

75. As indicated under Article 2 above, the dissemination of racist propaganda is punishable in accordance with the Penal Code (Chapter 16, Section 8) and the Freedom of the Press Ordinance (Chapter 7, Section 4).

Article 4 (b)

76. As from 1977, following a change of the Constitution, it is possible to limit the right of association under the law as regards two types of organization: associations which involve military activities and associations whose operations involve the persecution of an ethnic group or of a certain race, certain colour or certain ethnic origin.

77. The question of introducing a direct prohibition on racist organizations by means of legislation has been studied and discussed by Parliament on several occasions.

78. The provisions of the Penal Code concerning agitation against an ethnic group (Chapter 16, Section 8) were strengthened as from 1 January 1989 with the objective of hindering or preventing the operations of racist organizations. This change means that the dissemination of racists statements or information - not just to the general public, as hitherto, but also within organizations and associations - has become a punishable offence. The objective was to prevent all activities of racist organizations. In practice, thic was intended to force such organizations to become totally passive, thus obviating the need for the introduction of further legislation, including a direct ban on such organizations.

79. As noted above, a Commission to study measures against Ethnic Discrimination has been appointed. Under the Commission's terms of reference, the special expert is to investigate how - while retaining respect for freedom of association - protection against racist organizations can be further strengthened. In this connection, the expert is to consider the appropriateness and formulation of some form of legislation which does not mean a direct ban on the actual existence of organizations, but is instead directed at individual behaviour.

80. The possibility of strengthening existing legislation so that the formation of, participation in and support for racist activities become criminal offences is to be considered, with the purpose of improving the protection of society against racist activities. A prohibition on organizations, applying the emergency provisions in the Constitution, should only be considered if other alternatives are judged to be inadequate to provide effective protection against racist organizations.

Article 4 (c)

81. There are no Swedish regulations which permit the authorities to promote racial discrimination. On the contrary, such activities are expressly forbidden. Reference is made in this context to the provisions under the Constitution and the provisions in the Penal Code regarding unlawful discrimination noted under Article 2. Obviously, the provisions concerning punishment for agitation against an ethnic group and incitement can also be applied to persons in public employment.

Article 5

Article 5 (a)

82. In accordance with Chapter 1, Section 9 of the Constitution, the courts and public authorities which carry out functions within the public administration are obliged, in the course of their duties, to observe the equality of all persons under the law and to maintain objectivity and impartiality.

83. The rules of the Swedish Code of Judicial Procedure are established in accordance with this principle. Thus, there are no special provisions based on race or ethnic origin.

Article 5 (b)

84. In accordance with Chapter 2, Section 5 in the Constitution, every citizen is protected against corporal punishment and also against torture and any medical influence for the purpose of extorting or preventing statements.

85. Under Chapter 2, Section 20, subsection 2, in the Constitution, foreigners are treated on a basis of equality with Swedish citizens in this respect. In addition, in accordance with Chapter 2, Section 6 in the Constitution, every citizen is protected in relation to the community against any enforced encroachment on his body in other cases too. This freedom and right may be restricted by law under certain circumstances (Chapter 2, Section 12 in the Constitution). Such restriction may only be made for the achievement of a purpose which is acceptable in a democratic society. Such a restriction may not be made on the grounds of political, religious, cultural or other such ideas.

86. There are no provisions which are intended to give citizens special treatment in this respect on ethnic grounds. Generally speaking, violence or bodily force exercised by a public official is treated by the courts as assault (Chapter 3, Section 5 in the Penal Code).

87. However, the State has reserved the right to employ force in certain contexts. For example, under Section 10 in the Police Act, in certain carefully defined circumstances a policeman may use force in the course of his duty.

Article 5 (c)

88. A person who complies with the franchise requirements can be elected to Parliament (Chapter 3, Section 10 in the Constitution).

89. Every Swedish citizen over the age of 18 and resident in Sweden has the right to vote in parliamentary elections. The principle of general and equal franchise rights also applies in local authority elections (municipal and county).

90. Swedish citizens resident abroad have the right to vote in the same way as citizens who are resident in Sweden, providing that a citizen resident abroad has at some time been registered as residing in Sweden.

91. As the result of a change in the law in 1976, the election franchise in municipal and county elections was extended to foreign citizens who have been resident in Sweden for at least three years prior to the election.

92. A person who has the right to vote in municipal elections may also stand for election as a representative of the municipality.

93. As regards the right to hold public employment or receive public assignments, there are no formal barriers or restrictions related to race, skin colour or national or ethnic origin.

94. However, Swedish citizenship is required for certain posts, for example to be a judge or prosecutor, in the higher ranks of central government, in the armed forces and in certain other types of public employment.

Article 5 (d) (i)-(vi)

95. Under the Swedish Constitution, no discrimination on racial, ethnic or cultural grounds is permissible in the respects evoked by this article.

Article 5 (d) (vii)-(ix)

96. According to Chapter 2, Section 1, of the Constitution everyone shall, in relation to public authorities, be guaranteed:

1. freedom of expression: freedom to communicate information and express ideas, opinions and feelings, whether verbally, in writing, in pictorial representations, or in any other way,

2. freedom of information: freedom to obtain and receive information and otherwise acquaint oneself with the statements of others,

3. freedom of assembly: freedom to arrange and to attend any meeting for the purpose of information or expression of opinions or for any other similar purpose, or for the purpose of presenting artistic works,

4. freedom of demonstration: freedom to arrange and participate in any demonstration in a public place,

5. freedom of association: freedom to unite with others for public or private purposes,

6. freedom of religion: freedom to practise one's religion alone or together with others.

97. The compulsory school curriculum states that schools shall develop knowledge on the part of pupils which can sustain and reinforce the democratic principles of tolerance, co-operation and equal rights. Furthermore, schools shall endeavour to lay the foundations for solidarity with underprivileged groups both inside and outside Sweden. Schools are to work actively for the integration of immigrants in the Swedish community and shall also lay the foundations for a willingness to look for peaceful solutions for conflicts. This means that the schools are to endeavour to give pupils the ability to imagine and understand how other people live and also a willingness to act with the best interests of others at heart.

98. Schools are always obliged to clarify and maintain the fundamental democratic values which the schools are to try to inculcate in all children and young people. Schools are to unambiguously repudiate everything which conflicts with these values.

99. In a bill (prop 1990/91:18), the Government has recently proposed that Parliament should adopt certain changes in the Schools Act. These proposals involve, for example, a legal requirement that all children and young people, irrespective of sex, geographic origin and social or economic circumstances, shall have equal access to education in the public sector school system and that the education provided within each type of school study programme shall be equivalent in all parts of Sweden. In addition, it is proposed that it shall be prescribed by law that activities conducted in the schools shall be planned in accordance with fundamental democratic principles. Everyone working in the school system shall promote respect for the intrinsic value of each individual human being and respect for our shared environment. The introduction to the bill explains that these new provisions are called for because, amongst other things, respect for the intrinsic value of the individual must be considered one of the objectives which the schools are to foster. Attempts to further the integration of people of varying background and origins into the Swedish community and the vigorous counteraction of all forms of mob attacks are examples of what this objective means in more concrete terms.

100. Most of the above-mentioned requirements have been covered in the study curricula for many years. The Government's aim now is to strengthen these requirements by including them in a law.

101. In accordance with the Schools Act (Chapter 3, Section 12), where requested by the pupil's parent(s) or guardian(s), a pupil shall be exempted from the obligation to participate in what would otherwise be mandatory aspects of school activities if, with regard to the circumstances, it is not reasonable to require that the pupil participates. However, exemption shall always be given from religious instruction if the pupil is an adherent of a faith which has permission from the Government to provide such education in

place of the school, and if the pupil can show that he or she participates in such education. Similar provisions also apply for pupils who continue their education in the school system after the compulsory school attendance age (Chapter 3, Section 20).

102. Permission to provide alternative education in religion outside the school system has been granted to the Catholic Church in Sweden (1953) and to the Jewish synagogues in Stockholm, Gothenburg and Malmö (1953). This also applies to compulsory school and upper secondary school pupils who belong to the Lutheran Church (1972), the Muslim community in Malmö (1974) and the Swedish Lutheran Confessional Church (1977). Pupils in compulsory school who belong to the Islamic Centre in Gothenburg or the Pakistani-Islamic Association in the County of Gothenburg and Bohus (1982) are also exempted.

Article 5 (e) (i)

103. As already indicated, Swedish labour law applies equally to all citizens, irrespective of nationality or ethnic background. However, it is obvious that opportunities to choose work freely, to enjoy fair treatment and favourable conditions of work, to receive protection against unemployment and to receive fair and reasonable remuneration for work are largely dependent on the opportunities which society gives foreign citizens to meet the demands for skills and competence made by employers.

Article 5 (e) (ii)

104. The right to form and become a member of a trade union is protected both in the Constitution and in other legislation.

Article 5 (e) (iii)-(vi)

105. Swedish immigrant policy is intended to achieve equal treatment of all persons who have been granted the right to work and live in Sweden. Immigrants are to have the right to the provision of housing, health care and medical care, social security and social services, schools and education and participation in cultural life on the same terms as the rest of the population.

106. Aliens who do not master the Swedish language are entitled to the services of interpreters free of charge in contacts with the authorities, courts of law, hospitals, etc. To be successful in Sweden, it is of course important to be able to speak, read and write Swedish. The Government makes great efforts to provide Swedish language education for immigrants. In accordance with the 1986 Act on Elementary Education in the Swedish language for Immigrants, every municipality is responsible for providing basic education in Swedish for immigrants over the age of 16. The course of study, which is about 700 hours long and free of charge, aims at providing general knowledge of the Swedish language and about Swedish society. The municipalities receive State grants for this education. By law, an immigrant employee is entitled to leave of absence to attend such courses.

107. It is also considered very important that children of immigrant families should learn their native language. Since 1977, children whose mother tongue is not Swedish are entitled to tuition on a voluntary basis in their native language in compulsory and upper secondary schools.

108. In accordance with the Sami School Ordinance, Sami children have the right to attend a Sami school instead of an ordinary primary school. There are seven Sami schools with junior and intermediate levels. The authority responsible for these schools is a special Sami school board with Sami majority. Lessons are conducted both in Sami and Swedish.

109. Parliament has declared that the Sami are to have the option of access to two equivalent compulsory school alternatives, i.e. Sami schools and ordinary compulsory schools. As a consequence, if there is a question of closing down a Sami school this decision must be taken in close consultation with Sami representatives.

110. With regard to the Swedish system of higher education, certain changes in the admission system have been decided. The changes, which concern admission of students who have been educated abroad, are to come into force in 1991. Under the new system, immigrant students, refugees, students from other Nordic countries and Swedish students who have been educated in foreign countries will be placed on a more equal footing with applicants who have had their previous education within the Swedish school system.

111. Special research on international migration and ethnic relations has been carried out in Sweden for many years. In 1987, a chair was established at the Centre for Research in International Migration and Ethnic Relations in Stockholm.

Article 5 (f)

112. Reference is made to the provisions of the Penal Code relating to unlawful discrimination, which appear under Article 2.

Article 6

113. Legislative protection against discriminatory actions is described in the introduction to the entry under Article 2. As mentioned under Article 5 (a) the courts and administrative authorities are obliged to take into account the equality under the law of all persons and to observe objectivity and impartiality.

114. As regards the right to compensation, reference is made to the information given under Article 2 (the Act on Damages).

115. A question was raised when the eighth and ninth periodic reports of Sweden (CERD/C/158/Add.7 and CERD/C/184/Add.1) were considered by the Committee at its 850th and 851st meetings, on 21 and 22 August 1989 (CERD/C/SR.850 and 851) as to whether incidents of children being removed from unfit mothers occurred more frequently among ethnic minority children. With regard to this question the following information can be given.

116. The nationality of children does not appear in the annual statistics describing measures on behalf of children and young people under the Social Services Act and under the Care of Young Persons (Special Provisions) Act. Furthermore, there is no requirement that such information should be collected. Thus, on the basis of the official statistics, it is not possible to state whether the children of foreign citizens are more likely to be taken

into public care than the children of Swedish citizens. In addition, the statistics provide no indication of the reasons for placing children outside the family home.

117. In the case of the Care of Young Persons (Special Provisions Act), a breakdown is made into (a) environmental cases and (b) behavioural cases. Of the two categories, category (a) could be of relevance in this context. However, the nature of deficiencies in the home environment is not recorded. In the case of placement under the Social Services Act, the background factors are not presented in any way.

118. However, there seems to be an impression among those who work in the field that the children of foreign citizens are overrepresented in placements outside the home, although there are no figures to confirm this.

119. From time to time, the National Board of Health and Welfare produces surveys of the capacity utilization of special homes for young people. These surveys indicate that young people of non-Swedish origin are overrepresented. There are two reasons for this. One is that immigrants' children are also overrepresented in the criminal statistics. The other one is that, if a child is removed from unfit parents, immigrant families in general prefer that the child stays in such a special home for young people rather than with a foster-family.

Article 7

120. In accordance with a parliamentary decision, education given in all types of Swedish schools is to adhere to an intercultural approach. The emergence and development of prejudices and negative attitudes are to be prevented. Intercultural education gives pupils greater knowledge both of other cultures and of Swedish culture.

121. Sweden provides special language training programmes for immigrants, aimed at giving adult immigrants a basic knowledge of Swedish and at giving immigrant children a school education in their native tongue, while they also learn Swedish. Immigrant education programmes are provided by the State and the local authorities, not by the immigrants themselves.

122. As mentioned above, the Swedish Immigration Board has special responsibility for the realization of Swedish immigrant policy, for example as regards the general public's knowledge and awareness of immigration and immigrants.

123. In line with a Government bill submitted in February 1990, Parliament has decided that special funds are to be allocated for development endeavours in the field of ethnic relations, etc. in the schools and in teacher-training programmes, and that research in areas covering ethnic relations, discrimination on ethnic grounds, etc. should be encouraged and intensified.

124. In this bill, the Government states that the statistics concerning racist crime should be improved to make it possible to assess with some degree of certainty whether there are racist or xenophobic motives for criminal behaviour.

125. The Labour Market Administration has implemented special projects to create equal opportunities for immigrants in working life.

126. The training of police officers includes instruction on the United Nations Universal Declaration of Human Rights, the United Nations Code of Conduct for Law Enforcement Officials and the European Convention on Human Rights. The consequences for police activities of various international human rights conventions are discussed under different subject headings, such as general law, law and order enforcement, criminal investigation, ethics, social and crime policy, psychology and management.

127. In addition to this regular training, the following development projects have been carried out in the area of human rights at the National Police College:

1. A project which in 1989 resulted in a final report and a series of Nordic seminars dealing mainly with human rights in police work.

2. In co-operation with the Ethnic Discrimination Ombudsman, a seminar was held in August 1990 under the heading "The Police as a Guarantor of Human Rights". Local police commissioners, the chairmen of police boards and trade union leaders participated in the seminar. The aim of the seminar was to initiate a training programme for local police authorities as to their responsibility for human rights. The programme is expected to begin in the fiscal year 1990/91.

3. In February 1990, the Swedish Immigration Board and the National Police College decided to implement a joint training plan of action in which the subject of human rights is an important element. The aim of this plan is to broaden police training in this field, where the Immigration Board can contribute know-how and resources.

128. In addition to these training programmes, the National Police College actively co-operates with various organizations in the community. Human rights questions are an important part of this co-operation. Amnesty International and various immigrant associations may be mentioned as examples of such external conflicts.